

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SAMUEL MENDEZ

Plaintiff,

v.

**PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,**

Defendants.

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C.A. No. 05-35 Erie

ORDER OF COURT

AND NOW, this _____ day of _____, 2005, upon consideration of Defendant's Motion to Dismiss, it is hereby **ORDERED** that the Motion is **GRANTED**.

By the Court:

J.